

UNITED STATES DISTRICT COURT
for the
District of Minnesota

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JUL 03 2019

CLERK, U.S. DISTRICT COURT
DULUTH, MINNESOTA

United States of America,

v.

Matthew James Gunderson
Defendant

Case No. 0864 0:19-00410M-002

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate any federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.¹
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the Court may impose.
The defendant must appear at _____
on _____
If blank, defendant will be notified of next appearance.
- (5) The defendant must sign an appearance bond, if ordered.

¹ The Director of the FBI is required by law to promptly expunge from the index described in 42 USC Section 14132(a), the analysis of the DNA sample collected from this Defendant upon receipt by the Attorney General of a certified copy of a final court order establishing: 1) that no indictment was returned, or 2) that the charges giving rise to this Order Setting Conditions of Release were dismissed, or 3) that Defendant was acquitted of the charges giving rise to this Order setting Conditions of Release. In the event any of the foregoing occur, Defendant or his or her Attorney should submit a proposed Order to the Court specifying which of the foregoing events occurred, and sufficient information regarding his or her identity and the charges giving rise to this Order Setting Conditions of Release to enable the FBI to match the Order to the DNA sample to be expunged. To accomplish the expungement, once the Order is entered, the Defendant or his or her Attorney must send a certified copy of the Order to:

Federal Bureau of Investigation
Laboratory Division
2501 Investigation Parkway
Quantico, VA 22135
Attn: Federal Convicted Offender Program Manager

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U.S. DISTRICT COURT DULUTH

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ☒ (6) The defendant is placed in the custody of:
Person or organization _____
Address (Only if above is an organization) _____
City and State _____
Tel No. (if organization) _____

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Who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____

Custodian or Proxy

Date _____

REDACTED

- ☒ (7) The defendant must:
- ☒ (a) submit to supervision by and report for supervision to the Probation and Pretrial Services Office, telephone number _____ no later than _____
 - ☒ (b) continue or actively seek employment.
 - ☐ (c) continue or start an education program.
 - ☐ (d) surrender any passport, Green Card, Visa, Advanced Parole Document, Refugee Travel Permit/Reentry Document, or other foreign travel document to Probation and Pretrial Services as directed.
 - ☒ (e) not obtain a passport, Green Card, Visa, Advanced Parole Document, Refugee Travel Permit/Reentry Document, or other foreign travel document.
 - ☒ (f) abide by the following restrictions on personal association, residence, or travel:
not travel away from his residence except for
work and then he must be under the supervision
of the person identified in paragraph 6, above. 7/3/19
JWB
 - ☒ (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: this
includes the co-defendant. 7/3/19
JWB
 - ☐ (h) get medical or psychiatric treatment: _____
 - ☐ (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purpose(s): _____

ADDITIONAL CONDITIONS OF RELEASE

- ☐ (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary, and observe the rules and regulations of that facility.
- ☒ (k) not possess a firearm, destructive device, or other weapon.
- ☒ (l) not use alcohol ☒ at all ☐ excessively.
- ☒ (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- ☐ (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
- ☐ (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
- ☒ (p) participate in one of the following location restriction programs and comply with its requirements as directed.
- ☒ (i) **Curfew.** You are restricted to your residence every day
☐ from _____ to _____ or
☒ as directed by the pretrial services officer, *when away from your residence for work. 7/31/19*
- ☒ (ii) **Home Detention.** You are restricted to your residence at all times except for employment; ~~education; religious services; medical; substance abuse, or mental health treatment;~~ *7/31/19* attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or *7/3*
- ☐ (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lockdown at your residence except for medical necessities and court appearances or other activities specifically approved by the court.
- ☐ (iv) *For purposes of this Order, residence for the defendant shall be the home of the person identified in paragraph 6 above.*

ADDITIONAL CONDITIONS OF RELEASE

- ☒ (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.
- ☐ you must pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.
- ☒ (r) report as soon as possible, to the pretrial services office or supervising officer every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- ☐ (s) The defendant shall submit his person, residence, office, vehicle, or an area under the defendant's control to a search conducted by a United States Probation Officer or supervised designee, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a supervision violation. The defendant shall warn any other residents or third parties that the premises and areas under the defendant's control may be subject to searches pursuant to this condition.
- ☒ (t) The defendant shall not possess or use a computer or have access to any on-line service without the prior approval of the U.S. Probation and Pretrial Services Office. The defendant's cooperation shall include, but not be limited to, allowing installation of a computer and Internet monitoring program and/or identifying computer systems, Internet-capable devices, and similar memory and electronic devices to which the defendant has access. Monitoring may include random examinations of computer systems along with Internet, electronic, and media storage devices under the defendant's control. The computer system or devices may be removed for a more thorough examination, if necessary. The defendant shall contribute to the cost of such monitoring services, based on the defendant's ability to pay, as deemed appropriate by the U.S. Probation and Pretrial Services Office.
- The defendant shall refrain from accessing that matter which relates to the activity in which the defendant was engaged in committing the instant offense behavior, namely child pornography.
- The defendant shall provide the probation officer access to any requested financial information, including credit reports, credit card bills, bank statements, and telephone bills.
- ☒ (u) The defendant shall not associate with persons under the age of 18 except in the presence of a responsible adult who is aware of the nature of the defendant's background and current offense and who has been approved by the probation officer.
- ☐ (v)

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

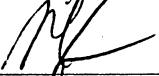
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) An offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) An offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) Any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) A misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature

Duluth, Minnesota

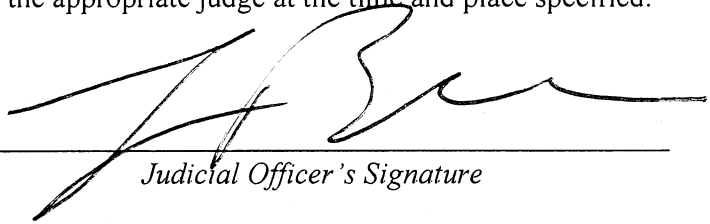
City and State

Directions to the United States Marshal

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date:

7/3/19



Judicial Officer's Signature

*HON. LEO I BRISBOIS

Printed Name and Title

U.S. Magistrate Judge

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICES U.S. ATTORNEY U.S. MARSHAL